

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA, v. ANTHONY JOHNSON, Defendant.	§ § § § § § §	CASE NUMBER 6:16-CR-00034-JDK-KNM
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**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On January 6, 2022 the court conducted a hearing to consider the government’s petition to revoke the supervised release of Defendant Anthony Johnson. The government was represented by Ryan Locker, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Matthew Millslagle, Federal Public Defender.

Defendant originally pled guilty to the offense of Conspiracy To Possess With Intent To Distribute Less Than 50 Grams of Methamphetamine, A Scheduled II Controlled Substance, a Class C felony. The United States Sentencing Guideline range for this offense, based on a total offense level of 25 and a criminal history category of III, was 70 to 87 months. On April 9, 2017 District Judge Ron Clark sentenced Defendant to 70 months imprisonment followed by three years of supervised release, subject to the standard conditions of release, plus special conditions to include having to provide the probation officer access to any requested financial information for purposes of monitoring Defendant’s efforts to obtain and maintain lawful employment, and participating in a program of testing and treatment for drug abuse and following the rules and regulations of the program until discharged. On March 3, 2021, Defendant completed his term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required to report to the probation office as instructed and to provide a monthly report to the probation officer. In Allegation 1 of its petition, the government alleges Defendant violated the conditions of his supervised release when he failed to report to the probation office on June 2 and June 9, 2021, and when he did not submit a monthly report for May, 2021. If the court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to report to the probation office on June 2 and June 9 and by failing to submit a monthly report for May, 2021, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the court may revoke the term of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in Allegation 1 of the government's petition. In exchange, the government agreed to recommend to the court a sentence of 8 months imprisonment, with no supervised release to follow.

The court therefore **RECOMMENDS** that Defendant Anthony Johnson's plea of true be accepted and he be sentenced to a term of 8 months imprisonment, with no supervised release to follow. The court further **RECOMMENDS** that Defendant serve his sentence at FMC Fort Worth, if available. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

So ORDERED and SIGNED this 7th day of January, 2022.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE